



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Thomas J. Grimsley

TITLE : **SYSTEMS AND METHODS FOR  
FABRICATING AN ELECTRO-OPTICAL  
DEVICE USED FOR IMAGE SENSING**

APPLICATION NO. : 09/750,425

FILED : December 28, 2000

CONFIRMATION NO. : 7861

EXAMINER : Tu T Nguyen

ART UNIT : 2877

NOTICE OF ALLOWANCE : April 7, 2005

ATTORNEY DOCKET NO. : A0707  
XERZ 2 0051

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

"Express Mail" Mailing Label Number: EL 964451413 US

Date of Deposit:

April 28, 2005

I hereby certify that the attached Issue Fee, Publication Fee, Response to Statement of Reasons for Allowance and Fee Address Indication Form are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop ISSUE FEE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christie L. Cermak  
(Typed or Printed Name of Sender)

Christie L. Cermak  
Signature Date

Express Mail® Mailing Label Number: EL 984451413 US  
Date of Deposit: *April 28, 2005*

I hereby certify that this paper, and all documents indicated therein as being attached are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Issue Fee, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Christie L. Cermak*  
Christie L. Cermak



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Thomas J. Grimsley  
TITLE : **SYSTEMS AND METHODS FOR  
FABRICATING AN ELECTRO-OPTICAL  
DEVICE USED FOR IMAGE SENSING**  
APPLICATION NO. : 09/750,425  
FILED : December 28, 2000  
CONFIRMATION NO. : 7861  
EXAMINER : Tu T Nguyen  
ART UNIT : 2877  
NOTICE OF ALLOWANCE : April 7, 2005  
ATTORNEY DOCKET NO. : A0707  
XERZ 2 00551

**RESPONSE TO STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Mail Stop Issue Fee**

Dear Sir:

Applicant gratefully acknowledges the indication as to the allowance of the present application.

However, applicant respectfully submits the Statements of Reasons for Allowance are, in and of themselves, inappropriate. It is noted that the reasons for allowance may be set forth in instances in which "... the Examiner believes that the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims." (37 CFR §1.104(e)(2004)). In the present case, applicant believes the record as a whole does make the reasons for allowance clear and, therefore, no statement by the Examiner is necessary or warranted. Furthermore, the applicant does not necessarily agree with each statement in the

reasons for allowance.

Specifically, it has been indicated that the claims are allowed by importing interpretations into the claims in relation to the prior art that results in a potential imprecise and/or inaccurate understanding of the reasons. This places an unwarranted interpretation upon the claims. Such a characterization of the claims does not properly take into account applicant's claimed invention as reflected in the specification and the applicant's responses to the Examiner's office actions.

Therefore, while applicant believes the claims are allowable, applicant does not acquiesce that patentability resides in only the features, exactly as expressed in the claims, nor that each feature is required for patentability.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

4/28/05  
Date

M. Zalevsky  
Marina V. Zalevsky, Reg. No. 53,825  
Mark S. Svat, Reg. No. 34,261  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582